

## **REMARKS**

In the Non-Final Office Action of October 21, 2008, the Examiner has indicated that the application contains claims directed to two groups which are not so linked as to form a single general inventive concept under PCT Rule 13.1. Applicants respectfully disagrees with the characterization of the claimed invention and the restriction is hereby traversed.

As a formality to comply with 35 U.S.C. 121 and 372, Applicants provisionally elect Group I corresponding to claims 1 - 16 for an examination on the merits.

It is Applicants' position that claims 1-16 and 17-18 are of a single general inventive concept under PCT Rule 13.1. The Examiner supposes that the subject matter of claims 1-16 and claims 17-18 lack the same or corresponding special technical features. (See 10/21/2008 Office Action, p. 2). Specifically, the Examiner suggests that the special technical features of claims 1-16 are the structures of the door and layers and the penetrating foam while the special technical features of claims 17-18 are the use of the rear foaming tool, filling the cavity by the rear foaming tool and the sealing details. (*Id.*).

Claim 1 recites an interior trim part for covering an airbag, comprising "*a two-dimensional carrier including a through-opening for the airbag recessed therein; a surface decor; a foam intermediate layer; and an inlay applied to the intermediate layer and covering the through-opening, the inlay projecting beyond an edge of the through-opening on one side to overlap a region of the carrier to form a hinge of an airbag flap formed by the surface decor and the intermediate layer with the inlay, the inlay furthermore being at least partly penetrated by the foam forming the intermediate layer so that the foam effects a connection of the inlay to the carrier, so that an amount of energy absorbed by a release of the intermediate layer with the inlay from the overlapped region of the carrier varies based on an intensity of an opening impact of the airbag.*" Similarly, claim 17 recites a "method for manufacturing an interior trim part for covering an airbag, wherein the interior trim part comprises a two-dimensional carrier including a through-opening for the airbag recessed therein, a surface decor, a foam intermediate layer

*and an inlay applied to the intermediate layer and covering the through-opening, the inlay projecting beyond an edge of the through-opening on one side to overlap a region of the carrier to form a hinge of an airbag flap formed by the surface decor and the intermediate layer with the inlay, the inlay furthermore being at least partly penetrated by the foam forming the intermediate layer so that the foam affects a connection of the inlay to the carrier, so that an amount of energy absorbed by a release of the intermediate layer with the inlay from the overlapped region of the carrier varies based on an intensity of an opening impact of the airbag, the method comprising: applying a sealing layer behind the inlay; applying the surface decor to a rear-foaming tool; introducing the inlay with the sealing layer into a cavity between the surface decor applied to the rear-foaming tool and the carrier so that the through-opening is covered; and filling the cavity by rear-foaming the surface decor.”*

It is respectfully submitted that the Restriction Requirement is in error since both independent claims 1 and 17 teach the novel inventive concepts of an interior trim part for covering an airbag comprising a two-dimensional carrier, including a through-opening for the airbag recessed therein, a surface décor, a foam intermediate layer and an inlay applied to the intermediate layer and covering the through-opening, the inlay projecting beyond an edge of the through-opening on one side to overlap a region of the carrier to form a hinge of an airbag flap formed by the surface décor and the intermediate layer with the inlay, the inlay furthermore being at least partly penetrated by the foam forming the intermediate layer so that the foam effects a connection of the inlay to the carrier, so that an amount of energy absorbed by a release of the intermediate layer with the inlay from the overlapped region of the carrier varies based on an intensity of an opening impact of the airbag. Both claims 1 and 17 are directed to Class 280, Subclass 728.1 and, more specifically, Subclass 728.3 (Land Vehicles: Inflatable passenger restraint or confinement (e.g., air bag) or attachment: Deployment Door). It is submitted that the Examiner’s assertion that claim 17 is directed only to Class 264, subclass 254 (Plastic and nonmetallic article shaping or treating: Separate stage covering of different preform areas) is incorrect. Rather, claim 17 also falls within Class 280, Subclass 728.3 since it, too, is directed to a deployment door for an inflatable passenger restraint for a land vehicle. Specifically, the novel

inventive concepts of claim 17 are directed to the manufacture of the novel structure of claim 1 and are thus categorically similar thereto. Specifically, Class 264 is a broad classification and may be employed to cover any claim where any plastic article is being shaped. Class 280, on the other hand, defines more specifically the subject matter defined in both claims 1 and 17.

Furthermore, it is submitted that the mere fact that claim 17 recites additional features with respect to the novel inventive features of claim 1 cannot destroy unity. Rather, since similar novel inventive features are recited in both claims 1 and 17, it is respectfully submitted that these claims conform to the requirements of PCT Rule 13.1.

Accordingly, in view of the above reasons, it is respectfully submitted that each of independent claims 1 and 17 is directed to a single general inventive concept and that the restriction is improper. It is therefore respectfully requested that the restriction requirement be withdrawn and the claims be examined on the merits.

If the Examiner disagrees with the above arguments, the Examiner is respectfully requested to reject the claims for the second time to allow Applicant an opportunity to petition the Restriction Requirement.

An earnest effort has been made to be fully responsive to the Office Action and advance the prosecution of this case. If there are questions, the Examiner is respectfully requested to call the undersigned attorney at the number listed below.

Respectfully submitted,

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